

Request for Variation to a Development Control and Supporting Information

Applicable DCP Chapter: Part I Other Considerations

DCP Section: Part I-4 Car Parking Provisions

What is the name of the development control plan that applies to the land?	Specify the development control(s) which are being varied.						
Richmond Valley Development Control Plan 2021	Part I – Other Considerations Part I-4 Car Parking Provisions						
Provide details of the extent of the variation (i.e. what is the non-compliance? Is it minor or extensive? Percentage of variation between your proposal and the development control)							
<p>The DCP requires the following parking to be provided within the shop top housing and group home development located on Lots 157 & 158 – Johnston Street allotments.</p> <table border="0" data-bbox="193 1025 1394 1189"> <tr> <td data-bbox="193 1025 794 1122"> <p>Shop top housing 1 per dwelling, plus 1 visitor space per 10 dwellings</p> <p>Required: <u>5 spaces</u></p> </td> <td data-bbox="801 1025 1394 1122"> <p>Commercial premises 1 per 30m2 (>1,000m2)</p> <p>Required: <u>8 spaces</u></p> </td> </tr> <tr> <td colspan="2" data-bbox="193 1223 1394 1379"> <p>Group home 1 per 10 beds, plus 1 per 2 supervisors or carer</p> <p>Required: <u>1 space</u></p> </td> </tr> <tr> <td colspan="2" data-bbox="193 1413 1394 1447"> <p><u>Total required: 14 spaces</u></p> </td> </tr> </table> <p>The proposed development provides a total of ten (10) parking spaces to service the shop top housing and group home development, resulting in a shortfall of four (4) parking spaces.</p> <p>Whilst the proposal provides a reduction in the required parking, the variation is considered minor having regard for the use of the site, and circumstances of the case.</p>		<p>Shop top housing 1 per dwelling, plus 1 visitor space per 10 dwellings</p> <p>Required: <u>5 spaces</u></p>	<p>Commercial premises 1 per 30m2 (>1,000m2)</p> <p>Required: <u>8 spaces</u></p>	<p>Group home 1 per 10 beds, plus 1 per 2 supervisors or carer</p> <p>Required: <u>1 space</u></p>		<p><u>Total required: 14 spaces</u></p>	
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<p><u>Total required: 14 spaces</u></p>							
What are the objectives of the development control? How does the proposed variation comply with these objectives?							
<p>I-4.1 General Objectives <i>The general objectives of this Chapter are to:</i></p> <ol style="list-style-type: none"> (1) facilitate an appropriate level of car parking to cater for a mix of development types. (2) establish a flat rate of car parking for developments within business zones. (3) provide for the adequate design of car parks, manoeuvring areas and road access. (4) minimise the visual impact of car parking. (5) allow for the unique aspects of a locality to be considered when a variation to parking, or a Voluntary VPA is proposed. 							

I-4.3 General Car Parking Rates

Objective

(1) to establish the minimum car parking rates to cater for a variety of development types.

The proposed development is considered to provide an appropriate level of parking to cater for the mix of development types located on the land. The proposal is fully compliant with the residential carparking rates required for the group home and shop top housing. The commercial component of the shop top housing development requires a total of 8 spaces, with 4 spaces being provided. Whilst a shortfall of 4 spaces appears significant, it is considered the parking rate required for commercial premises does not properly reflect the use of the commercial component of the shop top housing building.

The parking provided has been designed to provide significant landscaping along the western property boundary adjoining the existing service station, and along the southern property boundary fronting Johnston Street.

Provide justification / reasoning as to why the development control(s) does not make specific provision in relation to your proposal / does not enable you to achieve the outcome you are seeking.

The proposal provides a total of 246m² of gross floor area for the ground floor commercial component of the shop top housing development. In accordance with the DCP, this generates required parking of 8 spaces.

Having regard to the use of the commercial component, being entirely utilised for Momentum Collective to provide their current services and managed the operation of the site, it is considered the provision of 8 parking spaces is excessive.

A significant portion of the ground floor commercial area provides communal space / kitchen / kids space etc. that would be used intermittently when clients first come to the site, and by residents of the upstairs residential development, and rear group home. As a result, in these instances, the users of the downstairs spaces who reside at the site would utilise the compliant parking provided for the residential components of the development.

In this regard, it is not considered the commercial component of the shop top housing development reflects a typical 'commercial premises' being that the use will specifically cater for Momentum Collective operational needs, and 'turn over' at the site will generally be limited, as Momentum Collective will control who has access to the property. With a large portion of the commercial space being communal spaces to be utilised by Momentum Collective in various ways, the typical 'office' area including the check in, staff, consult 1 and 2 rooms provide a floor area of 89m², which would require a total of 3 spaces.

Demonstrate why compliance with the development control(s) is unreasonable or unnecessary in your particular circumstance.

Refer to comments above.

Any other considerations?

N/A

Applicant Details

PROPERTY:

146-152 Johnston Street, Casino
Lots 157 & 158 DP 834821

DATE:

December 2023

AUTHOR:

Megan Yates